

### Remarks

Reconsideration and allowance of the instant application are respectfully requested in light of the foregoing amendments and the following remarks.

### Claim Status

Claims 1-6 and 8-20 are pending in this application. Claim 7 is canceled. Claims 1-4 and 6 have been amended. No new matter is added.

### Claim Objections

As requested, "being" has been changed to --is-- in the appropriate claims.

### §112 Rejection

Claim 6 is rejected under §112, second paragraph, as being vague and indefinite. Claim 6 has been amended so that 'coating,' second occurrence now reads --solution coating--. Support for --solution coating-- is found in the specification at page 4, lines 18-22. This rejection is now moot in view of the amendment.

### \$103 Rejections

Claims 1-4 and 6-20 are rejected as unpatentable over Lee (USPub 2002/0187401) in view of Hamer (USPN4620956). Claim 5 is rejected as unpatentable over Lee in view of Hamer and in further view of Hasegawa (USPN6127438). Applicant respectfully disagrees for the following reasons.

Lee discloses a gel-coated separator for a lithium battery. The gel-coated separator is made by coating a support layer (nonporous film) with a gellable (gel-forming) polymer, and stretching the gel-polymer coated support layer to make same microporous. The gellable polymers are disclosed in Lee (See Paragraph 32). Lee, as noted by the examiner, does not mention anything about stretching rates.

Hamer discloses a polyethylene separator for lithium battery (See column 11, lines 32-34). Hamer teaches that permeability of a polyethylene separator may be controlled by controlling the stretching rates during cold and hot stretching (See Abstract). Hamer says nothing about making a coated separator.

Claim 1 has been amended to distinguish the instant invention from the combination of Lee and Hamer. Namely, portions of

original claim 7 have been incorporated into to claim 1. Specifically, claim 1 now recites the 'polymer composition' as materials not included in the gellable polymers mentioned in Lee. Accordingly, a difference between the claimed invention and the cited art is that the polymer coatings are different.

This difference is significant. Lee is directed at making a gel-polymer coated separator. This gel-polymer coating is essential to the manufacture of the particular battery being suggested (See Summary of the Invention, Paragraphs 12-14). If the gel-polymer is eliminated, then the operation of Lee is destroyed.

A reference can not be modified in a way to make its intended use unnecessary or inoperable.

Hamer is also deficient. Hamer is directed to single layer membranes or membranes without coating. The instant invention, on the other hand, recites a coated membrane.

The combination of Lee and Hamer is nothing more than hindsight reconstruction of the prior art based upon the teaching in the instant specification.

Since, claim 1 is the sole independent claim and claim 1 now distinguishes the combination of Lee and Hamer, all claims that depend from claim 1 are distinct from the combination of Lee and Hamer.

Accordingly, Applicant respectfully requests an early Notice of Allowance in the instant application.

Respectfully submitted,



Robert H. Hammer III  
Attorney for Applicant  
Reg. No. 31,764

Customer No. 29494  
Hammer & Hanf, P.C.  
3125 Springbank Lane  
Suite G  
Charlotte, NC 28226  
Telephone: 704-927-0400  
Facsimile: 704-927-0485

H:\2000\150\Amendment121707.doc